

# Notice of Allowability

Application No.

10/500,628

Examiner

Dung Lam

Applicant(s)

BENSON ET AL.

Art Unit

2617

## **-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-3, 5-16, 18-27 and 29-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. .

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Brian Mancini, Reg. No. 39,288 on 6/14/06.

1. The application has been amended as follows:
2. Claims 1, 15 and 27 have been replaced as follows.

Claim 1. A method of selecting carriers to be measured by a subscriber unit served by a cellular communication system and having a number of receivers operable to measure carriers in a frequency band, the method comprising the steps of:

Dynamically determining a frequency of measurements updates when measuring carriers in the frequency band; wherein the frequency of measurements updates is indicative of the amount of time required by the subscriber unit to measure the carriers and wherein the amount of time required to measure the carriers is dependent on how many receivers a subscriber unit have; and

Dynamically selecting a subset of carriers in the frequency band to be measured by the subscriber unit based on the frequency of measurement updates which is dependent on the frequency of measurement updates, which in turn is based on the number of receivers in a subscriber unit.

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Claim 15. An apparatus for selecting carriers to be measured by a subscriber unit served by a cellular communication system and having a number of receivers operable to measure carriers in a frequency band, the method comprising the steps of:

Means for dynamically determining a frequency of measurements updates when measuring carriers in the frequency band; wherein the frequency of measurements updates is indicative of the amount of time required by the subscriber unit to measure the carriers and wherein the amount of time required to measure the carriers is dependent on how many receivers a subscriber unit have; and

Means for dynamically selecting a subset of carriers in the frequency band to be measured by the subscriber unit based on the frequency of measurement updates which is dependent on the frequency of measurement updates, which in turn is based on the number of receivers in a subscriber unit.

Claim 27. A subscriber unit for selecting carriers to be measured by a subscriber unit served by a cellular communication system and having a number of receivers operable to measure carriers in a frequency band, the method comprising the steps of:

means for dynamically determining a frequency of measurements updates when measuring carriers in the frequency band; wherein the frequency of measurements updates is indicative of the amount of time required by the subscriber unit to measure the carriers and wherein the amount of time required to measure the carriers is dependent on how many receivers a subscriber unit have; and

means for dynamically selecting a subset of carriers in the frequency band to be measured by the subscriber unit based on the frequency of measurement updates which is dependent on the frequency of measurement updates, which in turn is based on the number of receivers in a subscriber unit.

[End of Amendment]

### *Allowable Subject Matter*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

1. Claims 1-3, 5-16, 18-27 and 29-34 are allowed and have been renumbered 1 –31 respectively.
2. The examiner's reason for allowance is based on the applicant's Amendment and Remarks filed on 6/7/06. Prior art of records fail to show the all the combined limitations of the independent claims that teaches the concept of dynamically selecting a subset of carriers in a frequency band to be measured which is controlled by the subscriber's processing capability which is based on how many receivers the subscriber unit has. By having more receivers, measurements are measured faster thus measurements are updated more frequently which consequently results in more carriers being selected to be measured. Therefore, claims 1, 15, and 27 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PRIMARY EXAMINER